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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ERNESTO M LOPEZ,)	
)	
Petitioner,)	No C 08-0012 VRW (PR)
)	
vs.)	ORDER
)	
BEN CURRY, Warden,)	(Doc # 7)
)	
Respondent.)	

Respondent moves to dismiss the petition for a writ of habeas corpus under 28 USC § 2254 on the ground that petitioner has not exhausted state judicial remedies as to two of six claims. Petitioner asks that the court strike the two unexhausted claims and re-order respondent to show cause why a writ of habeas corpus should not be granted with respect to the four remaining claims.

Respondent's motion to dismiss (doc # 7) for failure to exhaust all claims is GRANTED. Good cause appearing therefor, petitioner's claims (2) and (5) are STRICKEN and respondent is ORDERED TO SHOW CAUSE, within 60 days of this order, why a writ of habeas corpus should not be issued with respect to the remaining four claims.

SO ORDERED.



VAUGHN R WALKER
United States District Chief Judge